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FISCAL IMPACT STATEMENT

LS 6844

BILL NUMBER: SB 199

NOTE PREPARED: Apr 3, 2007

BILL AMENDED: Apr 3, 2007

SUBJECT: Unlawful Facilitation of Adoption Services.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR: Rep. Welch

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill permits a court to waive certain home study requirements otherwise required for an adoption if one of the petitioners is a stepparent or grandparent of the child. The bill specifies that the court may not waive required criminal history checks. The bill also requires the Child Custody and Support Advisory Committee to study surrogacy issues and to file a report with Legislative Council.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Court Allowed to Waive Supervision Period for Certain Adoptions:* This bill allows a court hearing a petition for adoption of a child to waive the period of supervision if one of the petitioners is a stepparent or grandparent of the child. Under current law, the period of supervision is within the sole discretion of the court. In addition, supervision may be before or after the filing of a petition for adoption, or both.

This provision would affect the Department of Child Services (DCS), the state agency responsible for supervising children prior to and after a petition for adoption is filed. The DCS is not responsible for supervising children adopted through licensed child placing agencies. The DCS reports that children are typically supervised for a minimum of six months after placement with their adoptive family. An adoption petition may be filed at any time after placement is made. This provision would reduce the workload of family case managers employed by the DCS. The number of children adopted by a grandparent or stepparent is not known. However, it is likely that few children adopted through the DCS are adopted by a stepparent. Actual reductions in workload are indeterminable and would depend on the number of children adopted by a stepparent or grandparent and the length of time required by the court for supervision of an individual child.

[*Note:* Supervision administered prior to the filing of an adoption petition would still be conducted since the court does not become involved until after the petition is filed.]

Court Allowed to Waive Adoption Report for Certain Adoptions: Current law requires each appropriate agency to submit to the court a written report of and the agency's investigation recommendation as to the advisability of the adoption not more than 60 days from the date of reference of a petition for adoption.

This bill modifies the aforementioned statutory requirement and allows the court to waive the report if the: (1) child is being adopted by a grandparent or stepparent, (2) period of supervision is waived, and (3) court requires either a county office of DCS or a licensed child placing agency to investigate any matter related to an adoption and report to the court the results of the investigation.

This provision could result in three scenarios:

(A) Should the court waive the report and require the local office of DCS to investigate the adoption and report to the court, no change in workload or expenditures would occur.

(B) Should the court waive a report for which the DCS would under current law be responsible and require a licensed child placing agency to investigate the adoption and report to the court, the DCS family case managers would experience a reduction in workload.

The bill is silent as to whether or not the DCS or the county would be required to reimburse a licensed child placing agency for conducting an investigation and filing a report under this scenario. The DCS is responsible for paying the salary of family case managers who currently conduct investigations; the county is responsible for paying all costs associated with services. Should reimbursement be required, either the DCS or the county would experience an increase in expenditures.

(C) Should the court waive a report for which a licensed child placing agency would under current law be responsible and require the DCS to investigate the adoption and report to the court, the workload of the DCS family case managers would increase.

The bill is silent as to whether or not the DCS or the county would be allowed to charge a fee to a licensed child placing agency for conducting an investigation and filing a report under this scenario. Should a fee be charged, either the DCS or the county would experience an increase in revenues.

(Revised) *Child Custody and Support Advisory Committee:* The bill requires the Child Custody and Support Advisory Committee to evaluate: (1) the facilitation of surrogacy agreements and births; (2) how other jurisdictions regulate or penalize surrogacy births and surrogacy agreements; and (3) current laws and regulation concerning surrogacy births and surrogacy agreements. The Committee is required to submit a report of the results of its study to the Legislative Council before November 1, 2007. During the 2007 interim, the Committee met one time and spent approximately \$1,000 of its \$9,500 budget.

Explanation of State Revenues: See also *Explanation of State Expenditures*.

Explanation of Local Expenditures: See also *Explanation of State Expenditures*.

Explanation of Local Revenues: See also *Explanation of State Expenditures*.

State Agencies Affected: Department of Child Services.

Local Agencies Affected: Local office of Department of Child Services.

Information Sources: Department of Child Services.

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